

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Suits – L.A., SRBC Nandyal Unit-Kurnool district – Sunkesula village-Owk Mandal- Market value enhanced from Rs.50,000/- per acre (cat-II) to Rs.1,49,000/- per acre by the Hon'ble Principle Senior Civil Judge Court, Nandyal – Final decretal Charges-Sanction orders-Issued.

IRRIGATION & C.A.D.(PW-LA.II) DEPARTMENT

G.O.Rt.No. 365

Dated: 09.06.2010

Read the following:

1. From Special Chief Secretary & C.C.L.A., A.P., Hyderabad, CCLA Lr. No. SRP4/213/2010, Dt: 31.03.2010.
2. From the Special Collector, SSP, Kurnool Lr.Rc.B6/27/2010, Dated: 20.2.2010.

**ORDER:**

The Special Chief Secretary to Government & CCLA, A.P. Hyderabad and Special Collector, Srisailem Project, Kurnool in the reference Ist and 2<sup>nd</sup> read above have submitted decretal proposals in O.P. No. 283/2006 for an amount Rs. 20,70,347/- (Rupees Twenty Lakhs Seventy thousand three hundred forty seven only) for an extent of Ac.32.10 guntas in Survey No. 369/1 C, acquired through Award No. 29/92-93, dated: 30.3.1993 for the purpose of excavation of SRBC Canal from Km. 133.400 to 134.400 of Sunkesula village, Own Mandal, Kurnool District. The Special Collector, Srisailem Project, Kurnool has informed that decretal charge proposals in O.P.No. 283/2006 for an amount of Rs.20,70,347/-. The Special Deputy Collector, L.A & Reh., SSP, Kurnool has acquired an extent of Ac. 32.10 guntas in Survey No. 369/1C, etc., vide Award No. 29/92-93 dt. 30.3.93 by awarding the value of Rs. 80,000/- per acre Category-I lands and Rs. 50,000/- per acre for Category-II lands for excavation of SRBC canal from Km. 133.400 to 134.400. Aggrieved with the Market value awarded by the LAO, the awardees have filed petition U/s 18(1) of the L.A Act with a request to refer the matter to the Civil Court for adjudication. On making references u/s 18 of the LA. Act to the Lower Court, the Principal Senior Civil Judge, Nandyal had delivered judgments enhancing the market value from Rs.80, 000/- per acre (cat-I) and Rs. 50,000/- per acre (cat-II) to Rs.1,49,000/- per acre in O.P.No.283/2006. (1 case).

2 The Special Collector, Srisailem Project, Kurnool has further stated that the Assistant Government Pleader, Nandyal has opined that the Hon'ble Principal Senior Civil Judge Court, Nandyal after Exhibits B1 to B3 and fixed the market value of Category No. I & II @ Rs.1,49,000/- per acre with statutory benefits as already admittedly and evidently decided by the Hon'ble Court in OP No. 36/95 and its batch arising out of same is evident from Ex. B3 and OP No. 36/95 and its batch are confirmed by the Hon'ble High Court in A.S. Nos. 1760, 1763, 1778, 1786 and 1830/2005. Further, the AGP has stated that the SLP also dismissed by the Hon'ble Supreme Court, which is quite reasonable considering all aspects. Since, the other O.Ps are arise in the same award, no need to file any appeal. Appeal may be dropped and it is not fit case to prefer any appeal and even preferring appeal thus would not get any benefit.Hence, drops the appeal proposed. In this connection, the Special Deputy Collector, LA, SRBC, Nandyal further submits that in this Award the total extent covered is Ac. 32.10 cents. Based on the similar Ops covered in the same Award and also as per the opinion of the AGP, Nandyal the Special Deputy Collector, LA, SRBC, Nandyal has submitted budget proposals for an amount of Rs.20,70,347/- towards final decretal amount in respect of O.P.No.283/2006 (1 case) in Award No. 29/1992-93, dated: 30.03.1993. The Special Collector, srisailem Project, Kurnool has requested that the Chief Commissioner of Land Administration, A.P.,Hyderabad to kindly place the budget proposals before the Legal Cell for opinion or recommend for sanction of budget proposals towards final decretal charges in respect of O.P.No.283/2006 (1 case) of Sunkesula village of Owk Mandal for Rs.20,70,347/- (Rupees Twenty Lakhs seventy thousand three thousand three hundred and forty seven only) to the Government so as to enable the Special Deputy Collector, LA, SRBC, Nandyal to comply with the orders of the Reference Court and to avoid further legal complications in this case and the

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A.G.P. Nandyal has opined that there are no grounds & no need to file further appeal. Hence filing of an appeal may be dropped as it is not a fit case to prefer any further appeal and the enhancement in the instant case is only 198% as ordered in O.P.No. 283/2006, where as decretal amount involved in the case is Rs.20,70,347/-

3. After careful examination of the matter, Government hereby accord sanction of an amount of Rs.20,70,347/- ( Rupees Twenty Lakhs Seventy thousands three hundred forty seven only) towards final decretal charges in respect of O.P. No. 283/2006 pertaining Sunkesula Village, Owk Mandal, Kurnool District for excavation of SRBC Canal. Subject to verification whether the reference under Section 18 (1) of the L.A. Act is made to the Lower Court after following all the guidelines/directions on the subject and in case, it is detected that section 18 reference was made contrary to the rules/guidelines issued by the Government/CCLA, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the CE as to the extent of land acquired. Further the Special Collector, SSP, Kurnool should verify the calculations made by the LAO, once again thoroughly with reference to the decree and instructions issued by the Government/CCLA, Hyderabad on the subject from time to time, duly deducting the income tax, as per rules, before depositing the amount in the Lower Court.

4. The Special Collector, SSP, Kurnool is directed to deposit the above sanctioned decretal amount in the respective court after thorough verification of calculations made by the LAO once again at his level and also verify the decrees and decretal charges, if any, already paid duly deducting the Income Tax as per rules. He is also directed to follow the directions of Hon'ble High Court dated: 30.4.2007 in W.P. No. 2181/2005 in depositing the above sanctioned decretal amount in the respective court.

5. The amount sanctioned in Para ( 3 ) above, shall be debitable to the Head of Account "2701 -COL on Major and Medium Irrigation; 01 - Major Irrigation (Commercial); MH 123 -SRBC; G.H. 11- Normal State Plan; S.H. (27) Canals and Tributaries 530 Major Works 532 - Lands (charged)". In the case, the available budget provision is not sufficient to meet the present requirement the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

6. This order issued with the concurrence of Finance (W&P) Department vide their U.O. No.2699/F4(1)/10-1, Dated: 29.5.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA  
SECRETARY TO GOVERNMENT

To

The Special Chief Secretary & C.C.L.A. A.P. Hydedrabad

The Special Collector, SSP, Kurnool

The Special Deputy Collector, L.A. T.G.P.Nandyal

The Engineer-in-Chief, I & CAD, Erramanzil, Hyderabad

The Revenue Divisional Officer, Nandyal

The Superintending Engineer, I & CAD, Kurnool

The Director of Works and Accounts, Hyderabad

The District Treasury Officer, Kurnool

The Joint Director, Works & Accounts, Kurnool

The Pay & Accounts Officer, Kurnool

Copy to

P.S. to Minister ( M & MI)

Law Department/Finance (W&P) Department

C.No. 9226/L.A.II/A1/2010

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SECTION OFFICER